



AUSTIN POLICE DEPARTMENT

TRAINING BULLETIN

Date: June 28, 2019

COA: Camping Ordinance

This ordinance takes effect on July 1, 2019

On June 21, 2019, City Council amended the ordinance titled “Camping in Public Area Prohibited” to generally permit camping in any “public area” as that term is defined in the ordinance, unless specifically prohibited by the City from camping there. The definition of “public area” did not change. Thus, camping will generally be permitted in outdoor areas that are accessible to the public, including parking lots, alleyways, and sidewalks, among others.

A violation of the ordinance now **only** occurs if, after being given notice and a reasonable amount of time to correct the violating conduct, a person, while camping in a public area, endangers their health or safety or that of another person, or they intentionally, knowingly, or recklessly render impassable or impede the reasonable use of the public area, thus making use of the area unreasonably inconvenient or hazardous.

As noted, the ordinance now requires that an officer give a subject notice that they are violating the “Camping” ordinance, and the officer must also now give the subject a reasonable amount of time to cease the violating behavior prior to taking enforcement action. What is a reasonable amount of time will depend upon the circumstances. When a subject fails to cease the violating behavior after a reasonable amount of time and enforcement action is taken, the officer must document the time of the notice and the amount of time that elapsed between the notice and enforcement action.

There will be circumstances in which the officer’s notice to the subject and the officer’s enforcement action must be simultaneous or almost simultaneous due to the dangerous conditions the subject has created. For example, if a person, structure or bulky item renders a sidewalk impassable or impedes a pedestrian’s reasonable use of the sidewalk, in which the pedestrian is forced to walk into a busy street to continue on, it will be reasonable for the officer to give the subject notice that the officer intends to take enforcement action, and then immediately do so. The officer’s actions may include removing the obstruction.

Separate, current rules adopted by the City’s Parks and Recreation Department prohibit camping in City parks, and the building use policy that governs the use of City Hall’s grounds also prohibit camping at City Hall. City Council has directed the City Manager to identify safe camping areas

and to propose additional reasonable limitations on camping. As those additional rules are adopted by Council, they will be relayed to officers.

The relevant language of the new ordinance is as follows:

9-4-11 CAMPING IN PUBLIC AREA PROHIBITED

(B) Except as provided in Subsection (D), *a person commits an offense if, after having been notified by a law enforcement officer that the conduct violates this section and having been given a reasonable opportunity by a law enforcement officer to correct the violating conduct,* the person camps in a public area that is not designated as a camping area by the City of Austin and the person is:

- (1) materially endangering the health or safety of another person or of themselves; or
- (2) intentionally, knowingly, or recklessly rendering impassable or impeding the reasonable use of a public area making usage of such area unreasonably inconvenient or hazardous.

(emphasis added).

Ordinances are subject to change and may be amended as required by City Council.